

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.O.
05 MAY 17 PM 1:14

NACCO MATERIALS HANDLING
GROUP, INC., d/b/a YALE MATERIALS
HANDLING CORPORATION and
NMHG OREGON, INC.,

RECEIVED
CLERK, U.S. DIST. CT.
W. D. OF TN. MEMPHIS

Plaintiffs,

v.

No. 05-2165- MI V

THE LILLY COMPANY and
MID-SOUTH LIFT TRUCKS, INC.,

Defendants.

~~PROPOSED~~ RULE 16(b) SCHEDULING ORDER

Pursuant to the Notice of Setting dated May 4, 2005, and the Report of Parties' Planning Meeting submitted to the Court pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the following dates are hereby established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): June 10, 2005

JOINING PARTIES:

for Plaintiff:	July 19, 2005
for Defendant:	July 19, 2005

AMENDING PLEADINGS:

for Plaintiff:	July 19, 2005
for Defendant:	July 19, 2005

INITIAL MOTIONS TO DISMISS:	August 19, 2005
COMPLETING ALL DISCOVERY:	February 6, 2006
(a) DOCUMENT PRODUCTION:	February 6, 2006
(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:	February 6, 2006
(c) EXPERT WITNESS DISCLOSURE (Rule 26):	
(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:	November 21, 2005
(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:	December 21, 2005
(3) EXPERT WITNESS DEPOSITIONS:	February 6, 2006
FILING DISPOSITIVE MOTIONS:	March 3, 2006
OTHER RELEVANT MATTERS:	

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last 3-5 day(s). The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

DATE: May 17, 2005

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Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02165 was distributed by fax, mail, or direct printing on May 18, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT